

08/26/03
16310 U.S. PTO

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Date of Deposit: 8/26/03
I hereby certify under 37 CFR 1.10 that this correspondence is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" with sufficient postage on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
Name: Jesus Sepalia
Signature: [Signature]
Clifford Chance US LLP

Docket No. 5677-208

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION TRANSMITTAL

COMMISSIONER OF PATENTS
MAIL STOP BOX PATENT APPLICATION
P.O. Box 1450
Alexandria, VA 22313-1450

03913 U.S. PTO
10/648131
08/26/03

Sir:

Transmitted herewith for filing is a utility patent application

Of: Kirk S. Kealey, Rodney M. Snyder, Leo J. Romanczyk, Margaret M. Buck, Giovanni G. Cipolla and John F. Hammerstone, Jr.

For: COCOA SOLIDS HAVING A HIGH COCOA PROCYANIDIN CONTENT

ENCLOSED are the following:

1. ☒ Specification (63 pages), abstract (1 page) and claims (15 pages) (79 pages)
2. ☒ 5 sheets of ☒ formal ☐ informal drawings (Figs. 1-4B)
3. ☒ Declaration
 - ☒ Copy from a prior application (for continuation/divisional)
 - ☒ True Copy Declaration
4. ☐ Application Data Sheet
5. ☒ Preliminary Amendment
6. ☒ Information Disclosure Statement and PTO-1449 along with Supplemental IDS
7. ☐ Assignment and Assignment Recordation sheet (*Fee calculated separately*)
8. ☒ The prior application is assigned to: MARS, INCORPORATED
 - The assignment was recorded on 8/25/97 at reel 8678 and frame 0018
 - ☐ A copy of the assignment from the prior application is enclosed.
9. ☒ Formal Drawings Transmittal
10. ☐ Other:

NOTE the following:

11. ☒ This application is made under 37 C.F.R. § 1.53 (b) and is a
 - ☐ Continuation
 - ☐ Continuation-In-Part
 - ☒ Divisionalof Prior Application No. 09/841,925 filed April 25, 2001 which is a

☒ Continuation ☐ Continuation-In-Part ☐ Divisional
 of Prior Application No. 09/441,302 filed November 16, 1999 which is a
☐ Continuation ☐ Continuation-In-Part ☒ Divisional
 of Prior Application No. 08/709,406 filed September 6, 1996 PAT 6,015,913.

12. Small Entity Status:

☐ Applicant is a small entity

13. ☐ Applicants claim priority from the following applications(s) under 35 U.S.C. § 119:

Serial Number Country Filing Date Certified Copy Encl.

14. ☒ Cancel claim 103 prior to calculation of the filing fee.

FILING FEE: calculated below (after accounting for any preliminary amendment or claims cancellations if noted above):

Basic Filing Fee			\$750.00
Total No. Claims 25	Extra Claims(Total-20) 5	Fee / claim \$18.00	\$90.00
Total No. Independent Claims 2	Extra Independ.(No.-3) 0	Fee / claim \$84.00	\$0.00
Multiple dependent claim? + \$280			\$0
Sub-Total			\$840.00
Small Entity? less 50%			-0.00
TOTAL FEE DUE			\$840.00

15. ☒ The Commissioner is authorized to charge \$840.00 in connection with this communication to Deposit Account No. 50-0521.

In the event that a petition for extension of time is required to be submitted in the pending prior application, and in the event that a separate petition for the pending prior application is not filed on even date, applicant hereby petitions under 37 C.F.R.1.136(a) for an extension of time in the pending prior application of as many months as are required to render this submission timely. The Commissioner is authorized to charge any fees due in connection with such a petition to Deposit Account No. 50-0521.

The Commissioner is authorized to charge any fee or additional fee due in connection with this communication to Deposit Account No. 50-0521. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Date: August 20, 2003

Margaret B. Kelley
 Margaret B. Kelley
 Reg. No. 29,181

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NYA 625933.1